"In order to incur liability for its breach, a neutral must have knowledge of the existence of a blockade." (Handbook, 444.)

To determine whether a principle is properly to be termed a proposition of law is not always easy, and it may be that the estimate of one-fifth would not gain unanimous approval; but it is certain that already a very considerable part of the subject is real law, that the documents in the appendices to these two volumes, as far as recognized by nations, are similar to statutes, that the decisions of national courts as to citizenship, prize, and other topics are similar to other judge-made law, that future international agreements and also decisions of international judicial tribunals will add similar matter, and that by and by international law will cease to be challenged when it seeks a place in the circle of legal science. For the present, only here and there will a lawyer pay attention to the subject; and that occasional lawyer will find either one of these volumes well adapted to his use.

A POCKET CODE OF THE RULES OF EVIDENCE IN TRIALS AT LAW. By John Henry Wigmore. Boston: Little, Brown and Company. 1910. pp. liii, 566. 16mo.

Professor Wigmore's four-volume "Treatise on the System of Evidence," which appeared in 1904–1905, was characterized by its reviewer in these pages as the "most complete and exhaustive treatise on a single branch of our law that has ever been written." The volume now under review is in the nature of a concise summary of the rules developed by the larger work, omitting the historical and theoretical chapter introductions of the latter, but maintaining in large degree its general characteristics and analysis. The peculiarity of Professor Wigmore's analysis and the oddity of his terminology were commented upon in a prior review. 18 HARV. L. REV. 478. The general practitioner who has culled his knowledge of the law of evidence from Stephen and Greenleaf feels ill at ease in reading of such monstrosities as "autoptic proference," "prophylactic rules," or "viatoral privilege." The author persists in the use of these unfamiliar terms, though they provoked much objection both in his notes to his edition of Greenleaf and in the larger "Treatise." Yet, as the "Treatise" has already established itself as the master authority on the law of evidence, so, in spite of its idiosyncrasies, the present "Code" must inevitably prove a most useful work of a type *sui generis*.

The author's object is twofold: "to provide the practitioner with a handy summary of the existing rules of evidence; and at the same time to state them in a scientific form capable of serving as a code." It is in the former capacity that the volume will prove most useful to the profession. Concise in statement, with a careful system of cross-referencing to bring out the many rules potentially applicable to a given problem, and with a thorough index, it is a handy tool for the hurried lawyer in the court-room. In form the "Code" is more like the familiar "Digest" of Sir J. F. Stephen than the shorter modern works — such as Hughes — intended for the student as well as for the practitioner. Though it does not purport to theorize, it reflects through an easily understood system of brackets the sometimes questioned opinions of the author as to "what is not yet the law anywhere but ought to be" and "what is the law in every jurisdiction but ought not to be law." The same typographical device is used to indicate the variances in the rules of different jurisdictions.

The present edition contains citations only to the author's more extensive treatise, providing by alternate blank pages space for annotations of decisions and statutes in the particular jurisdiction of the owner. A series of completely annotated "Local Editions" is promised: these will be awaited with eagerness.

The workmanship of the volume deserves special commendation. Printed on an excellent quality of thin paper, gilt-edged and bound in flexible black morocco, the "Code" is a most attractive pocket companion. R. T. S.

THE PEOPLE'S LAW, or POPULAR PARTICIPATION IN LAW-MAKING. A study in the Evolution of Democracy and Direct Legislation. By Charles S. Lobingier. New York: The Macmillan Company. 1909. pp. xxi, 429.

This is a timely work. It is the outgrowth of a careful scholar's investigation into the validity of some recent American state constitutions proclaimed without ratification by the people. The work bristles with citations, footnotes, transcripts from ancient documents, and might repel the reader unwilling to wander in what might strike him as merely another weary waste of academic discussion. But although purely judicial in tone, the book contains much of the greatest encouragement to the lover of American traditions, and leads to a strengthened faith in the doctrine of the sovereignty of the people. It shows from historical sources previously little explored the abiding character of the demand for government by consent. It implies irresistibly the necessity for direct popular participation in law-making if the blessings of permanence and tranquillity are to be secured. Professor Howard well says in the introduction that the evolution traced by Professor Lobingier "yields many a lesson of vital import to those seriously interested in the welfare of American society."

Though the academic interest attaching to this book would be quickly appreciated by any thoughtful reader, its striking timeliness is especially realized by those familiar with the rapidly strengthening but widely misunderstood movement for the initiative and referendum in our cities and states. Professor Lobingier's work supplies a historical setting and background for this movement of a most impressive character to which its friends and foes alike may be directed to their advantage.

The book derives its vital character not only from the vitality of the subject — the study of the source of authority in government — but from the painstaking fidelity with which the work has been done. The author keeps himself very much in the background and makes great masses of original documents and records speak for themselves. He calls attention to the fact that governments were originally "more or less popular, succeeded by a monarchical and then a delegate system which, in turn, are supplanted by one completely direct and popular." He then states that his principal theme is "to show in detail how this cycle, so far as completed, has been accomplished."

One can hardly see that a cycle has been accomplished or for the indefinite future is likely to be, unless the present large units of population, cities, states, and nations are to undergo dispersion and subdivision.

It can hardly be admitted that we are nearing the finish of a cycle. We need not accept so dispiriting a figure as that. Might it not better be said that we are completing a turn of a spiral of human development and are coming more universally than ever to an acceptance of the principles of the folk-moot of the early tribes as a foundation? Certainly we are accepting and utilizing them at a much higher level, thanks to the acquirement, among many other things, of universal education, improved means of communication, and the principle of representative government. For all of these permit the massing of humanity for the purposes of government in ever greater and greater units, which if accompanied with proper regard to local interests, must be regarded as in the line of substantial and permanent progress.

To the reviewer it does not, after all, seem so much a cycle which the author has traced as a rigorous and triumphant evolution of an imperishable and un-